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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,509	01/30/2006	Bart Van Rompaey	NL030966	6161

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EXAMINER

SASINOWSKI, ANDREW

ART UNIT	PAPER NUMBER
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4163

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,509	Applicant(s) VAN ROMPAEY ET AL.	
	Examiner ANDREW J. SASINOWSKI	Art Unit 4163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/31/2007, 1/30/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In the present case, claim 11 claims a signal, which is currently held to be non-statutory subject matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 - 2, 4 – 7, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et. al. [US 6,396,784].

Regarding claim 1, Wang teaches:

- A method for providing data in a layered storage medium **[abstract]** comprising the steps of:
- providing at least one set of content data for storage in at least one layer of the storage medium **[abstract]**,

Art Unit: 2629

- providing, for each layer, identifying data corresponding to a set of content data, of which at least parts is to be provided in the layer **[abstract]**,
- which identifying data comprises a content identifier that is common for and indicative of that whole set of content data **[fig. 2, 1st track, 2nd track, etc]**,
- storing content data together with corresponding identifying data in each layer of the storage medium, such that each layer having content data belonging to the same set has the same content identifier **[abstract, fig. 2]**.

Regarding claim 2, Wang teaches:

- A method according to claim 1 **[see above]**,
- in which the identifying data also comprises a layer identifier and the step of storing comprises storing content data together with identifying data also identifying the actual layer in each layer of the storage medium **[claim 1, note that the layer identifier is inherent in Wang's teaching as his data is all stored on one recording layer]**.

Regarding claim 4, Wang teaches:

- A method according to claim 1 **[see above]**,
- wherein the identifying data is provided in a specific position in each layer **[claim 1]**.

Regarding claim 5, Wang teaches:

- A method according to claim 4 **[see above]**,
- wherein the identifying data is stored in a lead-in area of each layer **[claim 9]**.

Regarding claim 6, Wang teaches:

- A method according to claim 4 **[see above]**,
- wherein the identifying data is stored in a PIC-band of each layer **[claim 6]**.

Regarding claim 7, Wang teaches:

- A method according to claim 1 **[see above]**,
- wherein the identifier that is common for and indicative of the whole content is a content or catalogue number **[claim 1]**.

The device claimed in claim 9 is inherent to the method taught in claim 1. Therefore, claim 9 is rejected upon the same grounds as claim 1.

The signal claimed in claim 11 is inherent to the method taught in claim 1. Therefore, claim 9 is rejected upon the same grounds as claim 1.

Art Unit: 2629

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee [US 5,737,287].

Regarding claim 10, Lee teaches:

- Storage medium comprising at least two different layers of layer data **[fig. 4]**,
- where each layer comprises at least parts of a set of content data and identifying data **[abstract]**,
- which identifying data comprises a content identifier that is common for and indicative of that whole set of content data **[abstract]**,
- such that each layer having data belonging to the same set of content data has the same content identifier **[col. 2 line 60 to col. 3 line 2]**.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Lee.

Regarding claim 3, Wang teaches:

- A method according to claim 1 **[see 102 rejection above]**,

Art Unit: 2629

However, Wang does not teach:

- wherein one set of data is provided in at least two layers.

Lee does teach:

- wherein one set of data is provided in at least two layers **[abstract]**.

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the multiple layers of information taught by Lee with the method taught by Wang because using multiple layers of information provides a predictable result, namely that two information layers holds more data than only one information layer.

Regarding claim 8, Wang teaches:

- A method according to claim 2 **[see 102 rejection above]**,

However, Wang does not teach:

- wherein each layer identifier comprises a code that is unique for said layer.

Lee does teach:

- wherein each layer identifier comprises a code that is unique for said layer **[abstract]**.

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the unique layer code taught by Lee with the method taught by Wang because using a unique layer code makes it is easy to search the music while accurately controlling the spindle motor **[Lee abstract]**.

Art Unit: 2629

7. Claims 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Hamasaka et. al. [US 5,485,439].

Regarding claim 12, Lee teaches:

- A method of indicating correctness of content data stored in or associated with at least two different layers of a layered storage medium comprising the steps of: reading identifying data from or for at least one layer, which identifying data includes a content identifier that is common for and indicative of the whole content of one set of content data [**col. 3, lines 7 – 20**],
- where at least parts of the set is provided in the layer, such that each layer having data belonging to the same set of content data has the same content identifier [**col. 3, lines 7 – 20**],
- comparing content identifiers [**fig. 6, step S604**]

However, Lee does not teach:

- indicating if content identifiers in or for the investigated layers correspond to a correct combination or not.

Hamasaka does teach:

- indicating if content identifiers in or for the investigated layers correspond to a correct combination or not [**col. 12, lines 61 - 67**].

It would have been obvious to one with ordinary skill in the art at the time of invention to combine the incorrect combination indicator taught by Hamasaka with the method taught by Lee because such an indication step could also be used to indicate several

Art Unit: 2629

ordinary disc reproducing operations steps which may need monitoring, such as if disc reproduction has begun, disc reproduction has ended, or if the disc reproducing device is in a standby mode.

Regarding claim 13, Lee in view of Hamasaka teaches the method as taught in claim 12.

Additionally, Lee teaches:

- wherein the step of reading identifying data comprises reading identifying data from or for at least two layers **[abstract]**.

Regarding claim 14, Lee in view of Hamasaka teaches the method as taught in claim 12.

Additionally, Lee teaches:

- wherein the identifying data also comprises a layer identifier and further comprising the steps of comparing layer identifiers **[claim 1]**,
- indicating if layer identifiers in or for the investigated layers correspond to a correct combination or not **[claim 3]**.

The device as claimed in claim 15 is inherent to the method as taught in claim 12.

Therefore, claim 15 is rejected upon the same grounds as claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW J. SASINOWSKI whose telephone number is (571)270-5883. The examiner can normally be reached on Monday to Friday, 7:30 to 5:00, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Robinson can be reached on (571)272-2319. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJS

/Mark A. Robinson/

Supervisory Patent Examiner, Art Unit 4163